



SO ORDERED.

SIGNED this 20 day of March, 2019.

James P. Smith

**James P. Smith
Chief United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA**

IN RE:
David Floyd Merritt
1023 Banks Academy Road
Carnesville, GA 30521
SS# XXX-XX-0220

CHAPTER 13

CASE NO. 18-31204-JPS

ORDER CONFIRMING PLAN AWARDING ATTORNEY FEES

The debtor's plan having been transmitted to all creditors; and

It having been determined, after hearing on notice, that the debtor's plan, or plan as amended, complies with Chapter 13 of the Bankruptcy Code, 11 U.S.C. §1325, and with other applicable provisions of this title of the United States Code as shown by Exhibit "A" attached hereto; and

The Chapter 13 Trustee having recommended that the debtor's plan to be confirmed; it is

ORDERED that the debtor's plan, or plan as amended, which plan is attached hereto as Exhibit "A" and incorporated herein by reference, is confirmed, and the debtor is further ordered to comply with the terms of this plan and to maintain in force all insurance required by any of his contractual agreements; and it is further

ORDERED that an award of \$3,250.00 is made to R. JEFFREY FIELD with R. JEFFREY FIELD & ASSOC. as interim compensation in this case pursuant to §331 of the Bankruptcy Code for the attorney services rendered in this case. The trustee is directed to pay any unpaid balance as an administrative expense; and it is further

ORDERED that all pending motions to dismiss filed by the Chapter 13 trustee are hereby withdrawn, unless a separate order has been entered resolving the motion.

END OF DOCUMENT

Prepared by:

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UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

IN RE:
David Floyd Merritt

Chapter 13
Case No. 18-31204-JPS

Trustee's Summary of the Plan Including Agreed Upon Changes

Part 1

Debtor's Net Income: 3,221.00 Deb 1: Triple H Transport, Inc
Spouse's Net Income: 0.00 Deb 2:

Part 2: Plan Payments and Length of Plan

Debtor proposes to make payments into the plan as follows:

2.1

Which Debtor	Payment Amt.	Frequency	Start Date
Debtor 1	250.00	WEEKLY	12/5/2018
Debtor 1	309.00	WEEKLY	3/6/2019

until the plan is completed

2.2 Additional Payments: Source:

2.3 The debtor(s) will pay for a minimum of 36 months if the debtor(s) is/are below the median income or 57 months if the debtor(s) is/are above the median income.

Part 3: Treatment of Secured Claims

From the payments so received, the Trustee shall make disbursements to allowed claims as follows :

3.1 Payments on Long Term Debt

NAME OF CREDITOR	MONTH OF FIRST PAYMENT UNDER PLAN	MONTHLY PAYMENT AMOUNT
21ST MORTGAGE CORPORATION	Mtg/January 1, 2019	\$461.16

3.2 Payments on Arrearages on Long Term Debt

NAME OF CREDITOR	ESTIMATED AMOUNT DUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT
21ST MORTGAGE CORPORATION	3,539.89		Arrears	Pro Rata

3.3 Secured Claims Not Subject to Cram Down

NAME OF CREDITOR	AMOUNT DUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT
BB&T - BRANCH BANKING & TRUST COMPANY	\$3,057.55	2.00	2016 Toro Zero Turn Mower	\$61.00
CAPITAL ASSET RECOVERY	\$11,235.17	6.00	2005 Ford Explorer Sport Trac	\$400.00

3.4 Pre-confirmation Adequate Protection Payments - These payments will be applied to reduce the principal of the claim .

NAME OF CREDITOR	ADEQUATE PROTECTION PAYMENT AMOUNT
BB&T - BRANCH BANKING & TRUST COMPANY	\$50.00
CAPITAL ASSET RECOVERY	\$140.00

3.5 Secured Creditors Subject to Cram Down

NAME OF CREDITOR	AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT
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3.6 The following collateral is **surrendered to the creditor, and the stay and co-debtor stay are lifted.**

NAME OF CREDITOR	COLLATERAL
Gateway One Lending & Finance, LLC	2014 Chevrolet Silverado

3.7 The following debts will be paid directly by the debtor (s):

3.8 The judicial liens or non-possessory, non-purchase security interests that are being avoided are listed in **Part 6 Nonstandard Provisions.**

Part 4: Treatment of Fees and Priority Debt

4.1 Attorney fees ordered pursuant to 11 U.S.C. § 507(a)(2) of \$3,250.00 to be paid as follows:

Pursuant to the Single Set Fee option in the Administrative Order on Attorney Fees in Chapter 13 Cases

4.2 **Trustee's Fees:** Trustee's fees are governed by statute and may change during the course of the case .

4.3 The following domestic support obligations will be paid over the life of the plan as follows: (These payments will be made simultaneously with payment of the secured debt to the extent funds are available and will include interest at the rate of ____%. **(If this is left blank, no interest will be paid.)**)

4.4 All other 11 U.S.C. § 507 priority claims, unless already listed under 4.3, will be paid in full over the life of the plan as funds become available in the order specified by law .

Part 5: Treatment of Non-Priority Unsecured Claims

5.1 Debtor(s) will make payments that will meet all of the following parameters (these are not cumulative, debtor(s) will pay the highest of the three):

Disposable Income: \$34,048.80

Best Interest: \$16,008.00

Optional: \$

- 5.2 Binding Dividend (%): ____ Estimated Dividend: 75%
- 5.3 The following unsecured claims are classified to be paid at 100%. If the debtor (s) is proposing to pay less than 100%, or to pay a regular monthly payment, those proposals should appear in **Part 6 Nonstandard Provisions**.
- 5.4 The executory contracts and unexpired leases listed below are assumed . Those not mentioned are rejected.
- 5.5 See original plan for insurance requirements .
- 5.6 Notwithstanding the proposed treatment or classification of any claim in the plan confirmed in this case, all lien avoidance actions or litigation involving the validity of liens, or preference action will be reserved and can be pursued after confirmation of the plan . Successful lien avoidance or preference actions will be grounds for modification of the plan .

Part 6: Nonstandard Provisions

A proof of claim filed to cure arrearages on a long term debt shall be paid in full, unless objected to, notwithstanding an estimated amount being stated in Part 3.2 above.

EXHIBIT "A"

/s/ Camille Hope
Office of the Chapter 13 Trustee